PRINCE EDWARD ISLAND

LAND USE COMMISSION

ANNUAL REPORT

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The Land Use Commission, a non-partisan corporate body, was established by an act of the legislature in June, 1974. It is not a part of any government department but reports to the Lieutenant Governor in Council through the Minister of Community and Cultural Affairs.

The Commission consists of seven members who are appointed by the Lieutenant Governor in Council to represent the private sector. The Commission members during 1990 were:

Leslie MacKay, New London, Chairman
Kirsten Connor, Charlottetown (Appointed 1990)
Maurice Fitzpatrick, Tracadie Cross
Sylvia Johnson, West Royalty
Lorne Keizer, Charlottetown (Term expired during 1990)
Thomas MacLellan, Loyalist Road
Ronald McKinnon, Alberton (Term expired during 1990)
Anne McPhee, Bayfield
Isabel Yuill, O'Leary (Appointed 1990)

In order to carry out the day-to-day work of the Commission, it employs an executive director and an administrative assistant.

The major duties of the Commission include:

- carrying out any function the Lieutenant Governor in Council may require from time to time

- considering appeals of decisions made under the **Planning Act**

- making recommendations to the Lieutenant Governor in Council on all applications for non-resident land purchases and corporate land purchases covered under the **Lands Protection Act**

- approving official plans proposed for adoption by Municipal Councils

- considering appeals of clean-up orders under the **Unsightly Property Act**

- making recommendations to the Minister of Community and Cultural Affairs on municipal boundary extensions under the **Municipalities Act.**

The Land Use Commission experienced a normal business year in 1990. The Commission completed the matter involving the shopping centre development controversy and engaged in the usual broad range of activities relating to the use and ownership of land within the province. The Commission held 56 meeting/hearing days during the year, and although this is less than one-half the number of meeting days held in the previous year, 1989 was the busiest year ever experienced by the Commission.

THE COMMISSION AS AN APPEAL BODY

The Land Use Commission hears appeals from persons who are dissatisfied with decisions made by government agencies and municipal governments under the **Planning Act** and the **Unsightly Properties Act.**

The Commission dealt with 15 appeals against decisions of the Department of Community and Cultural Affairs. Six of the appeals involved building permits, 7 involved access to public roads and 2 were related to subdivision applications. The appeal launched in 1988 under the provisions of Part VII of the **Planning Act - Major Retail Development** was completed in the early part of 1990.

The Commission received 16 appeals against decisions made by municipal councils under their Official Plans and Zoning and Subdivision Control Bylaws. Seven appeals were related to the issuance of building permits, 1 of which was pursuant to the provisions of Part VII of the **Planning Act.** Three municipal decisions related to the subdivision of land were appealed along with 6 decisions on rezoning requests.

One appeal was heard against a decision of the Department of the Environment to issue a clean-up order under the **Unsightly Property Act.**

During 1990, the Commission heard and decided on 32 appeals. Twenty-six appeals were dismissed while 6 were allowed.

THE COMMISSION UNDER THE LANDS PROTECTION ACT

The Commission continues to be responsible for making recommendations to Executive Council on all applications from non-resident and corporations seeking to acquire land in the province under the **Lands Protection Act**. The Commission is also responsible for the administration of the legislation.

During the course of the year, the Commission received 115 non-resident and 131 corporate applications. The Commission made recommendations on 246 non-resident and corporate applications which represents about a 9 per cent increase in applications over 1989. The significant increase in the number of corporate applications is a result of the amendment to the Act requiring all farm corporations to apply for approval.

Under the land identification program, the Commission continues to place emphasis on the identification of land for non-development use. Special attention has been paid to applications for acquisition of coastal land, active agricultural land, speculative land transactions and land intended for subdivision. In most cases, identification for non-development use was made a condition of purchase.

In accordance with the **Lands Protection Act**, applications for special permits are required if an individual intends to acquire land that would cause the individual's aggregate land total to exceed 1,000 acres or in the case of a corporation, to exceed 3,000 acres. During the past year,

8 applications were made by individuals to acquire land in excess of 1,000 acres. Mainly as a result of their shares in farm corporations, all special permits were approved and detailed statements submitted to the Legislative Assembly in accordance with the Act.

The processing fee of $500. for all applications for permits and special permits, except provincially incorporated companies, with the majority of shares held by residents, accumulated revenues of $73,000. in 1990. The revenue for 1990 decreased by 16% which is partially reflected in the decrease in the number of non-resident applications.

OFFICIAL PLAN APPROVAL

The **Planning Act** requires the Land Use Commission to approve all new and revised official plans that are created by municipal communities. In 1990, the Commission reviewed and approved new official plans for the Communities of Winsloe South and the Resort Municipality Stanley Bridge, Bayview, Hope River, Cavendish, and North Rustico Areas. Revised official plans were also approved for the Communities of St. Eleanors, Southport and Cornwall.

MUNICIPAL BOUNDARY EXTENSIONS

The **Municipalities Act** requires the Commission to conduct a public hearing when a municipality proposes to extend its boundaries. Hearings were held in the Communities of St. Eleanors and Sherwood to hear boundary

extension proposals. Recommendations were subsequently made to Executive Council regarding the proposed extension.

The year 1990, although an extremely busy year for all Commission members and staff, has been highlighted by some very significant land use and land development decisions and issues dealt with by the Commission.

Leslie W. MacKay
Chairman